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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/029,055             | ZIGMOND ET AL.      |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Hai Tran               | 2611                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/06/2005.
2. ☒ The allowed claim(s) is/are 2-34.
3. ☒ The drawings filed on 10/25/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>02/20/2002</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on 01/06/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the full statutory term of the US Patent No. 6,330,719 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The present invention comprises plurality of servers and receiver units being interconnected and wherein the receiver units can be controlled by the servers for purpose of processing return requests in which the return requests are controlled and scheduled by corresponding connected servers so to reduce bottlenecking and overloading of the corresponding servers with such return requests.

The closest prior art, Phaal, Krishman and Bhjo show a similar system; However, Phaal discloses a server with a resource monitor to monitor the processing resources of the server and begin to schedule the return request once the Server becomes overloaded, Krishman discloses a server delays the receiving requests when the effective bandwidth utilized by the network server exceed a threshold limit, and Bhøj discloses a server limit the number of receiving request based on the predetermined number of requests in which the processing power of the server could process per

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second. Thus, Phaal, Krishman and Bhoj fail to disclose the limitation(s), for purpose of processing return requests, identifying one or more destinations for receiving request from the plurality of receiver units; providing scheduling information that indicates a destination for receiving request and that determines when the receiver units should send requests to the destination, the scheduling information producing different results as between at least some of the receivers units that receive the scheduling information; creating a 1<sup>st</sup> communication that associates the scheduling information with a particular request, thereby allowing the author of the 1<sup>st</sup> communication to control the scheduling information that is associated with the particular request and determine when the particular request should be sent; and distributing the first communication to the plurality of receiver units so that the receiver units receiving the 1<sup>st</sup> communication may send requests according to the scheduling information provided by the 1<sup>st</sup> communication, used in combination with all of the other limitations of independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

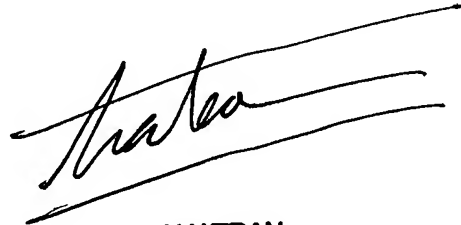
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
05/26/2005

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over three horizontal lines.

**HAI TRAN**  
**PRIMARY EXAMINER**